

REMARKS

Applicants wish to thank Examiner Ferris for the courtesies extended to Applicants' representative during the telephone interview on March 20, 2006. At the interview, the rejections in the outstanding Final Office Action were discussed. In a previous Office Action, the Examiner allowed claims 7, 17, 27, 37, 41-46, 48-56, 58-66, 68-76, and 78-80. In the Final Office Action identified above, the Examiner rejected claims 1-6, 8-16, 18-26, 28-36, and 38-40 under 35 U.S.C. § 103(a) as being unpatentable over Cohen et al. (U.S. Patent No. 6,389,462) in view of Stallings et al. (William Stallings, Local and Metropolitan Area Networks 454-56 (4th ed. 1993)). Based on the following reasoning, Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. § 103(a)¹.

By this Amendment, Applicants propose amending claims 1, 11, 21, 22, 31, and 32. Applicants submit that the amendments to claims 1, 11, 21, 22, 31, and 32 do not raise new issues since these features are inherent to the claims previously claimed or inherent to the pending claims in view of, for example, independent claim 41. As such, Applicants respectfully request the Examiner to enter these amendments. Upon entry of these amendments, claims 1-46, 48-56, 58-66, 68-76, and 78-80 will remain pending.

In the Interview Summary mailed on March 28, 2006, the Examiner states that Cohen et al.'s teaching of a "proxy cache" is interpreted as the "destination" and that the "address of the proxy cache" is interpreted as the "destination address."² (Interview

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

² These characterizations modify the characterizations given in the outstanding Office Action.

Summary at 3). Applicants respectfully disagree with the Examiner's characterizations.³

However, to expedite prosecution, Applicants propose amending independent claims 1, 11, 21, and 31. Specifically, independent claims 1, 11, 21, and 31 would recite "receiving a first packet addressed to the destination by the router from the client including data and a client address corresponding to the client" and "reading a destination address corresponding to the destination from the first packet." Cohen et al. and Stallings et al., either alone or in any reasonable combination fail to teach or suggest at least these elements. Cohen et al. teaches that the packet from a client is addressed to the origin server (in contrast to the proxy cache). (Abstract and Col. 7, lines 1-11). As such, Cohen et al. fails to teach or suggest "a first packet addressed to the destination" and "reading a destination address corresponding to the destination from the first packet," as would be recited in independent claims 1, 11, 21, and 31. Indeed, the communication in Cohen et al. between the client and the proxy cache is established transparently. (Abstract). Therefore, Applicants submit that independent claims 1, 11, 21, and 31 and claims 2-6, 8-10, 12-16, 18-20, 22-26, 28-30, 32-36, and 38-40, by virtue of their dependence from claims 1, 11, 21, and 31, are allowable.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

³ Although Applicants believe claims 1-46, 48-56, 58-66, 68-76, and 78-80 are allowable without amendment in view of the arguments presented in the Request for Reconsideration dated January 18, 2006, Applicants propose amending these claims to expedite prosecution.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants, therefore, request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 21, 2006

By: 

Milan S. Kapadia
Reg. No. 55,982